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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,363	03/23/2001	Dara Ung	20-431	3923

7590 09/23/2004

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EXAMINER

PEACHES, RANDY

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/814,363	Applicant(s) UNG ET AL.	
	Examiner Randy Peaches	Art Unit 2686	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Arguments

Regarding the Applicant's arguments concerning Application Number 09/814,363, the Examiner respectfully disagrees with the Applicant's argument since the cited **"Final Office Action"** more than adequately meet the Applicant's claimed limitations.

Additionally, the Examiner is not relying on the Provisional Application as the basis of the prior art rejection. However, the McDowell et al., United States Patent Application Number 2001/0034424 A1, is the basis of the Examiner's rejection; which in turn, is an application for a Patent. McDowell et al. claims privilege to the earlier Provisional filing date, cited as Provisional Application dated January 26, 2000, of which is considered as the prior art date to the instant application according to the United States Statute Code 35 U.S.C. 119.

Furthermore, in regards to the Applicant's argument pertaining to the TCP/IP connection, the Examiner's rejection stands and the argument is not persuasive. The Examiner's conclusion is based on the same premise where **McDowell discloses in paragraph [0046], that REGNOT/MSINACT receiver is a Message Event Sever (MES) capable of receiving and processing the user event information (e.g. network information relating to the presence and/or location of a said wireless user (see paragraph [0044, 0045]) received over a TCP/IP connection from a said HLR and further producing an associated presence and/or location. The link between the HLR and the MES (see FIGURE 1) is considered "either" a SS7 or TCP/IP link and therefore satisfies the Applicant's previous amendment.**

Randy Peaches
September 9, 2004

Marsha D Banks-Harold
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